

REMARKS

Upon entry of this amendment claims 1, 4-8, 10, 14-26, and 28-47 are pending of which claims 1 and 24 are independent. Withdrawn claims 11, 13 and 27 have been cancelled without prejudice by the Applicant. Claims 2, 3, 9 and 12 have been cancelled without prejudice by the Applicant. Claims 1, 14-19, 24-26, 28, 31, and 33 have been amended. New claims 36-47 have been added. Support for the amended claims and the amended claims is found in claims and specification as originally filled. For example support for amended claim 15 is found in claim 15 as originally filed and in examples 3 and 20.

Reconsideration and allowance of all pending claims is requested in view of the following remarks.

A. Election/Restrictions

Claims 11, 13 and 27 were subject to a restriction requirement and were withdrawn from consideration by the Examiner as being drawn to a non-elected species. In response to this Office Action, Applicant has cancelled, without prejudice, withdrawn claims 11, 13 and 27. Applicant reserves the right to file a divisional application of the non-elected species.

B. Rejections under 35 U.S.C. §112

The Examiner has rejected claims 16-19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner states that the claims are rejected because it is unclear what is mean by “m.”

As is known to one skilled in the art “m” refers to molal (molality), which is defined as moles of solute per kilogram (Kg) of solvent. In support of this definition Applicant submits as Exhibit 1 a definition of molal and molar (molarity) from Hawley’s Condensed Chemical dictionary.

Applicant also draws the Examiner’s attention to page 9, lines 30 to 31 of the specification where the Applicant define “m” as moles/Kg of solvent. Further, Example 1

clearly defines the additive concentration “m” in terms of moles of the NO additive per Kg of solvent.

Applicant submits that the Examiner’s concerns have been fully addressed and respectfully requests that the rejections under 35 U.S.C. §112 be withdrawn.

C. Allowable Subject Matter

The Examiner has indicated that claims 12 and 24 would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims.

Applicant has amended independent claim 1 to include the limitations of claim 12 and intervening claims that “one or more N-O additives comprises an inorganic nitrite selected from one or more of the group consisting of lithium nitrite, potassium nitrite, cesium nitrite, and ammonium nitrite.”

Claim 24 has been rewritten in independent form to include the limitations of intervening claims 1 and 2.

Applicant submits that amended independent claims 1 and 24 fully address the Examiner’s concerns, and that the amended independent claims and those depending from them should be in a condition for allowance. Applicant respectfully requests allowance of these claims.

D. Rejections under 35 U.S.C. 103

The Examiner has rejected claims 1-10, 14-15, 20-23, 25, 26, and 28-35 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Pub. No. 2002/019557 to Choi et al. Claim 1 is independent, and claims 2, 5-6, 13, 16, 20, 22-25, 27, 31-35, 37-43 depend from claim 1.

Applicant has amended independent claim 1 to include all the limitations of allowable claim 12 and any intervening claim, and has amended claim 24 to include the limitations of intervening claims 1 and 2. Applicant submits that the rejections of amended independent claims 1 and 24, and claims that depend there from, are traversed.

Applicant respectfully submits that the Examiner's concerns have been fully addressed and requests that the rejections under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION

In view of the amendments and remarks herein, reconsideration is respectfully requested. Applicant believes the case is in condition for allowance and respectfully requests withdrawal of the rejections and allowance of the pending claims.

In view of the Examiner's restriction requirement, Applicant retains the right to present the withdrawn claims in a divisional application. Applicant reserves the right to prosecute any cancelled claims or additional claims, including claims of broader scope, in a continuation application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to **Deposit Account No. 19-3878**.

The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

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